

From: Robert Wong
To: Microsoft ATR
Date: 12/21/01 12:21am
Subject: Microsoft Settlement

The Plaintiff-Microsoft Revise Propose Final Judgment should be reject because the proposal is too HARSH on Microsoft. There is consumer harm if Microsoft agrees to abide by the terms of the agreements.

Microsoft is to provide information on server products, but server products is an area where there is healthy competition and which Microsoft does not have a monopoly. The server platforms were never mentioned in any of the Finding of Facts and Conclusion of Law or the Full Court of Appeals ruling. By providing such information, competitors can damage the Server platform products if that is there intent and this agreement will allow it to occur.

Microsoft agrees to provide technical information to all competitor's of middleware, it does not rule on inferior middle ware created by competitors in order to sabotage the Windows platform. Java is one form of middle ware, but the Finding of Facts indicates that Java is not mature and was slower than native Windows applications.

The terms on the Technical Committee and three appointed members represent endless investigation which are a waste of Microsoft time and money. There is no lines of division on the technical committee between investigating Windows platform and X-Boxes. They have access to all Microsoft source code, contracts and internal documents. Will an investigation of X-Box be warrant if someone like Sony complains that X-Box is too rough on the game station market?

With three technical members, each one of them can conduct the same investigation and come up with a different conclusion. There is nothing in the agreement which allows one investigation per committee member. Endless competitors can flood complains for each of the three technical committee members.

Please revise this proposal to eliminate the abuse by Microsoft competitors who have no interest in consumer interest before approving. This settlement is too HARSH on Microsoft.

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